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June 9, 2005

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## VIA ELECTRONIC FILING

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, D.C. 20554



BOSTON

DALLAS

DELAWARE

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

Re: **EX PARTE SUBMISSION**

WT Docket No. 03-66; Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands

Dear Ms. Dortch:

Today, Todd D. Gray, counsel for the National ITFS Association ("NIA"), and the undersigned, counsel for the Catholic Television Network ("CTN"), met with John Schauble, Uzoma Onyeije, Stephen Zak, Gregory Vadas, Brendan Murray, Barrett Brick, and Henry Allen of the Wireless Telecommunications Bureau regarding the above-referenced proceeding.

We reiterated arguments made in the joint CTN-NIA Petition for Reconsideration, Comments, and Reply Comments in the above-referenced proceeding. We emphasized, in particular: (1) CTN-NIA's concern with the potential for technical interference that may be caused by pre-transition two-way deployments and insufficient D/U protection for fixed EBS receive sites, as well as the need for the Commission to take prompt and decisive action should actual interference occur in either context; (2) the need to retain the existing 15-year maximum lease term; (3) the widespread support for resolution of conflicting E and F channel claims through voluntary settlements and use of the "split-the-football" approach in the cases where settlements cannot be achieved (it was recommended that the Commission allow approximately 90 days for settlements to be achieved from the effective date of the new rules); and (4) the importance of substantial use requirements that are fair and reasonable for EBS licensees at renewal time. We also discussed CTN-NIA's proposals for self-transitioning to the new band plan and agreed to work with commercial service providers in an effort to agree on what self-transition expenses should be reimbursable to EBS licensees (and when) by commercial service providers.

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Letter to Marlene H. Dortch  
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Pursuant to Section 1.1206(b)(2) of the Commission's Rules, this letter is being filed electronically.

Respectfully submitted,

/s/ Edwin N. Lavergne

Edwin N. Lavergne  
Counsel to the Catholic Television  
Network

cc Uzoma Onyeije  
John Schauble  
Stephen Zak  
Gregory Vadas  
Brendan Murray  
Barrett Brick  
Henry Allen